

Message Text

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C O N F I D E N T I A L BRASILIA 0672

E. O. 11652: GDS

TAGS: PFOR, PINT, SHUM, BR

SUBJECT: NEW INITIATIVES IN HUMAN RIGHTS

REF: AIDAC 75 STATE 298250, AIDTO CIR A-687 (12/9/75)

1. WE ASSUME THAT BECAUSE OF THE DECISION TO PHASE OUT ASSISTANCE TO BRAZIL, AID FINANCED HUMAN RIGHTS ACTIVITIES, IF CARRIED OUT HERE, AT ALL, WOULD BE PART OF AID/W REGIONAL FUNDED ACTIVITIES.

2. BRAZIL'S BEST-KNOWN HUMAN RIGHTS PROBLEM IS, OF COURSE, THE ARBITRARY ARREST AND MISTREATMENT OF PEOPLE SUSPECTED OF SUBVERSION OR OF LINKS WITH ORGANIZATIONS DEEMED TO BE SUBVERSIVE. WE CONSIDER THIS PROBLEM, AT LEAST AT BOTTOM, TO BE ALMOST TOTALLY IMPERVIOUS TO DIRECT INFLUENCE BY AID ACTIVITIES. IT STEMS FROM DETERMINED AND DEEP-SET ATTITUDES ON THE PART OF THE SECURITY ELEMENTS IN BRAZIL'S ARMED FORCES, ELEMENTS GENERALLY CONSIDERED TO BE CARRYING OUT THEIR ILLEGAL ACTIVITIES CONTRARY TO THE WISHES OF THE COUNTRY'S CHIEF EXECUTIVE; NO CONCEIVABLE AID PROGRAM COULD BE AIMED DIRECTLY AT THEM.

3. INDIRECT EFFORTS, THE IMPACT OF WHICH WOULD BE ALMOST IMPOSSIBLE TO MEASURE, ARE CONCEIVABLE, ALTHOUGH THEY WOULD RISK SOME POLITICAL COSTS, ESPECIALLY BECAUSE
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BRAZIL'S LONG-STANDING INTERNATIONAL NOTORIETY REGARDING

HUMAN RIGHTS HAS MADE THE GOVERNMENT EXTREMELY SENSITIVE TO "OUTSIDE INTERFERENCE." (BRAZIL WAS AMONG THE HANDFUL OF COUNTRIES WHICH VOTED WITH CHILE AGAINST THE RECENT UN RESOLUTION ON HUMAN RIGHTS IN THAT COUNTRY, AND EXPLAINED ITS VOTE ON SOVEREIGNTY GROUNDS.) THE GOB HAS NEVERTHELESS SHOWN ITSELF CONCERNED WITH THE DAMAGE HUMAN-RIGHTS VIOLATIONS DO TO ITS FOREIGN IMAGE, AND ACTIONS TAKEN BY INTERNATIONAL BODIES CAN BE HELPFUL IN FOSTERING THAT CONCERN. A COMPLICATING FACTOR IS THAT WHILE MULTILATERAL ACTION MIGHT WELL REDUCE THE POLITICAL COSTS TO ANY INDIVIDUAL NATION, DIRECT ACTION--A UN RESOLUTION CRITICAL OF BRAZIL, FOR EXAMPLE, OR A CONDEMNATORY ICJ REPORT MENTIONING BRAZIL BY NAME--WOULD ALMOST CERTAINLY STIFFEN GOVERNMENT ATTITUDES AND REDUCES THE CHANCES OF GOB COOPERATION WITH INTERNATIONAL BODIES ON HUMAN RIGHTS.

4. WITHIN BRAZIL, THE PROBLEM OF ARBITRARY ARREST AND TORTURE HAS BEEN TAKEN ON BY VARIOUS GROUPS, INCLUDING THE OPPOSITION PARTY (MDB), SOME ELEMENTS OF THE CATHOLIC CHURCH (PARTICULARLY THE JUSTICE AND PEACE COMMITTEE IN SAO PAULO), THE ORDER OF BRAZILIAN LAWYERS, AND THE SAO PAULO STATE JOURNALISTS' UNION (ON CASES INVOLVING JOURNALISTS). THESE GROUPS WOULD NOT BE APPROPRIATE RECIPIENTS OF AID, OR EVEN IAF, ASSISTANCE, BUT THEIR ACTIVITY AND THE SIGNS, HOWEVER SCANT, OF THEIR USEFULNESS IN CALLING ATTENTION TO INDIVIDUAL CASES AND CALLING FOR JUST TREATMENT SUGGEST THAT OTHER GROUPS LESS CONNECTED TO NATIONAL OR INTERNATIONAL INSTITUTIONS, SUCH AS LOWER-LEVEL PROFESSIONAL ASSOCIATIONS, NEIGHBORHOOD GROUPS, OR LEGAL-AID SOCIETIES, COULD BE IDENTIFIED AND ENCOURAGED.

5. SUCH GROUPS WOULD, OF COURSE, HAVE A POTENTIAL UTILITY FAR BROADER THAN THAT OF ASSISTING THE RELATIVELY TINY (IN NATIONAL POPULATION TERMS) NUMBER OF PEOPLE PICKED UP IN THE ANTISUBVERSION NET. MEMBERS OF BRAZIL'S LARGE UNDERPRIVILEGED GROUPS, IF ACCUSED OF A CRIME, CAN FIND THEMSELVES CAUGHT UP IN AN OLD-FASHIONED, OVERBURDENED, AND INEFFICIENT JUDICIAL SYSTEM, UNASSISTED BY MEANINGFUL LEGAL COUNSEL, SUBJECT TO LONG PERIODS OF DETENTION AWAITING TRIAL, AND, IF CONVICTED, CONFINED TO OUT-MODED, CONFIDENTIAL

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ILL-EQUIPPED, *ND OVERCROWDED PRISONS. IN FACT THE GOB HAS RECENTLY BEGUN A JUDICIAL REFORM EFFORT (AIMED ESSENTIALLY AT STREAMLINING JUDICIAL PROCEDURES), ALTHOUGH IT IS STILL AT AN EARLY STAGE. FOR THEIR PART, SEVERAL STATE GOVERNORS HAVE IN THE RECENT PAST CONSTRUCTED MODEL PRISONS AND BEGUN REHABILITATION PROGRAMS.

6. IT SHOULD BE CLEAR FROM THE FOREGOING THAT HUMAN RIGHTS

ARE ANMEXTREMELY SENSITIVE MATTER IN BRAZIL AND INTERNATIONALLY FOR THE BRABILIAN GOVERNMENT. ONE ELEMENT OF THAT SENSITIVITY HAS TO DO WITH THE GOB'S SUSPICIONS, CLEARLY INDICATED ON MORE THAN ONE OCCASION, ABOUT US INTENTIONS IN THE HUMAN-RIGHTS FIELD. GIVEN THE RANGE AND IMPORTANCE OF OUR OTHER INTERESTS IN BRAZIL, IT FOLLOWS THAT ANY IDEA OF USG EFFORT, HOWEVER INDIRECT, ON BEHALF OF HUMAN RIGHTS IN BRAZIL SHOULD BE GIVEN CAREFUL, DETAILED, AND BROAD POLICY REVIEW.

7. WITHIN THE ABOVE CONTEXT, WE RECOMMEND CONTINUATION AND/OR EXPANSION OF THE TYPE OF COOPERATIVE PROGRAMS SUMMARIZED IN ATTACHMENT BIRNBAUM MEMO (REF AIR). WHILE MOST OF THESE EFFORTS ARE LONG RANGE IN NATURE, THEY ARE FOCUSED ON KEY TARGET GROUPS WHO SHOULD BE INFLUENTIAL IN MOLDING FUTURE POLICIES. SPECIFICALLY, WE URGE AID/W EXPLORE CONTINUATION OF THE SUNYA LEGISLATIVE PROGRAM IN BRAZIL AND RENEW ATTEMPTS TO ESTABLISH A REGIONAL LEGAL EDUCATION ACTIVITY EITHER THROUGH A DIRECT INSTITUTIONAL CONTRACT OR IN COLLABORATION WITH THE FORD FOUNDATION. USADI/ BRAZIL RSSISTED FORD ACTIVITIES IN THIS ARE IN PAST THROUGH PROVISION OF PARTICIPANT TRAINING GRANTS. MISSION UNDERSTANDS UNIVERSITY OF ILLINOIS (J. HELLER) HAS SMALL LEGAL EXCHANGE PROGRAM WITH SEVERAL BRAZILIAN (AND OTHER LA) INSTITUTIONS WHICH MIGHT SERVE AS VEHICLE FOR AN EXPANDED PROGRAM.

8. AS FAR AS DIRECT ASSISTANCE TO BRAZIL IS CONCERNED, THERE IS SOME POTENTIAL FOR SHORT-TERM CONSULTANTS AND OBSERVATIONAL TRAINING IN JUDICIAL AND PENITENTIARY REFORM AND IN THE DEVELOPMENT OF PRISON REHABILITATION/VOCATIONAL TRAINING PROGRAMS. NO PROGRAM DEVELOPMENT EXPLORATION HAS BEEN UNDERTAKEN BECAUSE OF THE USAID PHASE OUT.
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AID/W IS UNDOUBTEDLY AWARE THAT ASSISTANCE IN SUCH AREAS WOULD BE POLITICALLY SENSITIVE IN THE US BECAUSE IT WILL BE EASILY MISINTERPRETED AND CONNECTED WITH THE NOTORIETY OF COUNTERSUBVERSION VIOLATIONS OF HUMAN RIGHTS; CENTRALLY FUNDED OR REGIONAL PROJECTS WOULD PROBABLY CAUSE LESS PROBLEM THAN DIRECT BILATERAL ASSISTANCE.
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